



BOROUGH OF OCEANPORT

PLANNING/ZONING BOARD

AGENDA • JANUARY 11, 2022

Reorganization

Clement V. Sommers Municipal Building

7:00 PM

910 Oceanport Way, Oceanport, NJ 07757

I. Call to Order

II. Flag Salute

III. Open Public Meetings Statement

This meeting complies with the Open Public Meetings Act by adequate and electronic notification on December 16, 2021 of this meeting and its location, date and time to the Asbury Park Press and Two River Times and by the posting of same on the municipal bulletin board and Borough's Web Site.

IV. Board Policy

- It is Board Policy that no application will be opened after 10:00 P.M.
- No new testimony will be taken after 10:30 P.M., except at the discretion of the Board.

V. Statement of Mayor's Appointments and Administer Oaths of Office

1. Patricia Cooper, Class I (Mayor's Designee), 1 year term
2. Thomas J. Tvrdik, Class III (Council Liaison), 1 year term
3. James Whitson, Class IV, 4 year term
4. Michael Dailey, Class IV, 4 year term
5. Leslie B. Widdis, Alternate #1 (unexpired term, 12/31/22)
6. Michael Savarese, Alternate #2, 2 year term

VI. Roll Call

VII. Election of Chairman

VIII. Election of Vice-Chairman

IX. Appointment of Board Secretary

X. Board Business

- PR-22-1** Resolution Approving 2022 Annual Meeting Schedule
PR-22-2 Resolution appointing Board Attorney
PR-22-3 Resolution Appointing a Board Engineer/Planner

XI. Minutes

1. Planning/Zoning Board - Reorganization - Jan 12, 2021 7:00 PM
2. Planning/Zoning Board - Regular - Dec 14, 2021 7:00 PM - *To Be Provided*

XII. New Business

1. PB2021-21 Villapiano, Philip & Laura
523 Port Au Peck Avenue
Block 31, Lot 10

Construction of 2-story addition seeking bulk variance relief for Maximum Building Coverage – 37% permitted, 40.4% proposed.

XIII. Old Business

- PR-22-4** 1. PR-22-04 Resolution of Approval - 75 Comanche Dr/McGeddy
PR-22-5 2. PR-22-05 Resolution of Approval - 101 Smith St/Schmidt
3. PB2020-29.1 Oport Partners, Phase II

XIV. Petitions from the Public

XV. Adjournment



Planning/Zoning Combined Board

PO Box 370
Oceanport, NJ 07757

SCHEDULED

RESOLUTION - PB 22-1

Meeting: 01/11/22 07:00 PM
Department: Planning/Zoning Board
Category: PB Resolutions
Prepared By: Jeanne Smith
Initiator: Jeanne Smith
Sponsors:
DOC ID: 2234

RESOLUTION OF THE BOROUGH OF OCEANPORT PLANNING BOARD APPROVING ANNUAL MEETING SCHEDULE FOR 2022 January 11, 2022

WHEREAS, the Open Public Meetings Act requires that all public bodies at the time of their annual organization meetings or within 7 days thereof, shall post, mail to newspapers and give notice to certain persons the schedule of meetings for the year 2022.

NOW, THEREFORE, BE IT RESOLVED that the Oceanport Planning/Zoning Combined Board for the 2022 calendar year will conduct the following meetings for the purpose of conducting Board business for 2022. Meetings are generally held on the second and fourth Tuesday of each month, except as otherwise noted below, in the Clement V. Sommers Municipal Building, 910 Oceanport Way, Oceanport, NJ 07757. All meetings will begin at 7:00 p.m. A Workshop Session will be held at 6:30 p.m. prior to a Regular Meeting as the Board deems it necessary. Official action may be taken.

- January 11th and 25th
- February 8th and 22nd
- March 8th and 22nd
- April 12th and 26th
- May 10th and 24th
- June 14th and 28th
- July 12th*
- August 9th*
- September 13th and 27th
- October 11th and 25th
- November 9th* (Wed. due to Election Day)
- December 13th*

*Summer schedule is in effect with one meeting in July and August and due to holidays, Nov. and December have one meeting scheduled.

BE IT FURTHER RESOLVED that the Board Secretary is hereby directed to file a copy of the schedule with the municipal clerk, post and maintain posted a copy of the resolution in the place designated for the posting of notices and forward a copy of same to The Two River Times and the Asbury Park Press.

BE IT FURTHER RESOLVED that this resolution and the schedule contained herein may be amended from time to time provided the terms of the Act are fully followed.



Planning/Zoning Combined Board

PO Box 370
Oceanport, NJ 07757

SCHEDULED

RESOLUTION - PB 22-2

Meeting: 01/11/22 07:00 PM
Department: Planning/Zoning Board
Category: PB Resolutions
Prepared By: Jeanne Smith
Initiator: Jeanne Smith
Sponsors:
DOC ID: 2235

10.2

RESOLUTION OF THE OCEANPORT PLANNING BOARD APPOINTMENT OF BOARD ATTORNEY FOR CY2022

WHEREAS, the Borough of Oceanport Planning Board is in need of professional legal services to be rendered to the Planning Board as Board Attorney on an as needed basis;

WHEREAS, Kevin Kennedy, Esq., 165 Highway 35, Middletown, NJ 07701 has submitted to the Borough of Oceanport a formal written response to the Borough's Request for Qualifications/Proposals for said professional legal services; and

WHEREAS, the law firm of Kevin Kennedy, Esq., 165 Highway 35, Middletown, NJ 07701. is qualified, ready, willing and able to provide said services; and

WHEREAS, funds shall be available for the stated purpose in the 2022 municipal budget subject to adoption of the 2022 budget; and

WHEREAS, this contract constitutes a "Professional Service" contract under the provisions of the Local Public Contracts Law because the service is a recognized profession, licensed and regulated by the State of New Jersey, and therefore, may be awarded without competitive bidding pursuant to N.J.S.A. 40A:11-1, et seq.; and

WHEREAS, this professional services contract was advertised under the Fair & Open Contracting Requirements pursuant to N.J.S.A.19:44A:20.4.5.

NOW THEREFORE, BE IT RESOLVED, by the Planning Board of the Borough of Oceanport, County of Monmouth, State of New Jersey that:

1. Kevin E. Kennedy, Esq be and is hereby appointed as Board Attorney for CY2022.
2. The Chairman and Board Secretary are hereby authorized to execute a contract on behalf of the Borough of Oceanport Planning Board with Kevin E. Kennedy, Esq for legal services for a monthly retainer of \$500.00 per month for Board meetings and subject to the terms of the proposal submitted subject to adoption of the 2022 municipal budget
3. That the contract shall also provide for an open-ended contract for services performed in regards to land development applications contingent upon the availability of funds in the Developer's Escrow and municipal budget with no firm quantities being guaranteed. Funds will be certified and encumbered by individual purchase order prior to each request for service.

BE IT FURTHER RESOLVED that a notice of this action shall be printed once in a newspaper of general circulation within the boundaries of the Borough of Oceanport.



Planning/Zoning Combined Board

PO Box 370
Oceanport, NJ 07757

SCHEDULED

RESOLUTION - PB 22-3

Meeting: 01/11/22 07:00 PM
Department: Planning/Zoning Board
Category: PB Resolutions
Prepared By: Jeanne Smith
Initiator: Jeanne Smith
Sponsors:
DOC ID: 2236

RESOLUTION OF THE OCEANPORT PLANNING BOARD APPOINTMENT OF BOARD ENGINEER/PLANNER FOR CY2022

WHEREAS, the Borough of Oceanport Planning Board is in need of professional engineering and planner services to be rendered to the Planning Board as Board Engineer/Planner on an as needed basis;

WHEREAS, William White, P.E., P.P. of Colliers Engineering & Design, 331 Newman Springs Road, Suite 203, Red Bank, New Jersey 07701 has submitted to the Borough of Oceanport a formal written response to the Borough's Request for Qualifications/Proposals for said professional legal services; and

WHEREAS, William White, P.E., P.P. of Colliers Engineering & Design is qualified, ready, willing and able to provide said services; and

WHEREAS, this contract constitutes a "Professional Service" contract under the provisions of the Local Public Contracts Law because the service is a recognized profession, licensed and regulated by the State of New Jersey, and therefore, may be awarded without competitive bidding pursuant to N.J.S.A. 40A:11-1, et seq.; and

WHEREAS, this professional services contract was advertised under the Fair & Open Contracting Requirements pursuant to N.J.S.A.19:44A:20.4.5.

NOW, THEREFORE, BE IT RESOLVED, by the Planning Board of the Borough of Oceanport as follows:

1. William White of Colliers Engineering & Design be and is hereby appointed as Board Engineer/Planner for CY2022.
2. The Chairman and Board Secretary are hereby authorized to execute a contract on behalf of the Borough of Oceanport Planning Board with William White of Colliers Engineering & Design for engineering services subject to the terms of the proposal submitted.
3. That the contract shall also provide for an open-ended contract for services performed in regards to land development applications contingent upon the availability of funds in the Developer's Escrow and municipal budget with no firm quantities being guaranteed. Funds will be certified and encumbered by individual purchase order prior to each request for service.

BE IT FURTHER RESOLVED that a notice of this action shall be printed once in a newspaper of general circulation within the boundaries of the Borough of Oceanport.

BOROUGH OF OCEANPORT

PLANNING/ZONING BOARD

MINUTES • JANUARY 12, 2021

Reorganization

REMOTE/VIRTUAL

7:00 PM

Municipal Building, 315 E. Main Street, Oceanport, NJ 07757

- I. **Call to Order:** Mr. Kennedy called the meeting to order at 7:00 PM.
- II. **Open Public Meetings Statement:** This meeting complies with the Open Public Meetings Act by adequate and electronic notification on January 4, 2021 of this virtual/remote meeting and its location, date and time to the Asbury Park Press and Two River Times and by the posting of same on the municipal bulletin board and Borough's Web Site. Chairman Widdis then read the virtual/remote meeting advisory advising the public how to attend and participate during public portions of the meeting as detailed on the meeting agenda.
- III. **Board Policy:** Mr. Widdis advised the public of the below Board policies:
 - It is Board Policy that no application will be opened after 10:00 P.M.
 - No new testimony will be taken after 10:30 P.M., except at the discretion of the Board.
- IV. **Flag Salute:** Mr. Widdis led attendees and members of the Board in the flag salute.
- V. **Oaths of Office:** Mr. Kennedy administered a group oath of office to the following:

1. Patty Cooper, Class I (Mayor's Designee)	4. Robert Kleiberg, Class IV
2. Thomas Tvrdik, Class III (Council Liaison)	5. John Kahle, Class IV
3. Darren Davis, Class IV	6. Michael Daley, Alternate #1

VI. Roll Call:

Attendee Name	Title	Status	Arrived
Christopher Widdis	Chairman	Remote	
James Whitson	Vice Chairman	Remote	
Patty Cooper	Mayor's Designee	Remote	
Thomas Tvrdik	Class III	Remote	
Joseph Foster	Environmental Committee Liaison	Remote	
John (Jack) Kahle	Class IV	Remote	
Michael Savarese	Class IV	Remote	
Robert Kleiberg	Class IV	Remote	
Darren Davis	Class IV	Remote	
Michael Dailey	Alternate I	Remote	
Jacob Rue	Alternate II	Absent	
Jeanne Smith	Board Secretary	Remote	
Kevin Kennedy	Board Attorney	Remote	
William White	Board Engineer/Planner	Remote	

- VII. **Election of Chairman:** Mr. Whitson made a motion to nominate Mr. Widdis as Chairman, which was seconded by Mr. Foster and unanimously approved by the Board with Mr. Widdis abstaining.
- VIII. **Election of Vice-Chairman:** Mr. Kleiberg made a motion to nominate Mr. Whitson as Vice Chairman, which was seconded by Mr. Kahle and unanimously approved by the Board with Mr. Whitson abstaining.
- IX. **Appointment of Board Secretary:** Mr. Whitson made a motion to appoint Jeanne Smith as Board Secretary, which was seconded by Mr. Kleiberg and unanimously approved by the Board.
- X. **Board Business:**
1. PR-21-01 RESOLUTION APPROVING ANNUAL MEETING SCHEDULE FOR CY2021

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Patty Cooper, Mayor's Designee
SECONDER: James Whitson, Vice Chairman
AYES: Widdis, Whitson, Cooper, Tvrdik, Foster, Kahle, Savarese, Kleiberg, Davis, Dailey
ABSENT: Rue

2. PR-21-02 RESOLUTION APPOINTMENT OF BOARD ATTORNEY FOR CY2021

RESULT: ADOPTED [9 TO 0]
MOVER: Joseph Foster, Environmental Committee Liaison
SECONDER: John (Jack) Kahle, Class IV
AYES: Widdis, Whitson, Cooper, Tvrdik, Foster, Kahle, Savarese, Kleiberg, Davis
ABSENT: Rue
INELIGIBLE: Dailey

3. PR-21-03 RESOLUTION APPOINTMENT OF BOARD ENGINEER/PLANNER FOR CY2021

RESULT: ADOPTED AS AMENDED [9 TO 0]
MOVER: Robert Kleiberg, Class IV
SECONDER: John (Jack) Kahle, Class IV
AYES: Widdis, Whitson, Cooper, Tvrdik, Foster, Kahle, Savarese, Kleiberg, Davis
ABSENT: Rue
INELIGIBLE: Dailey

Correspondence:

1. PB2020-19 KBeeHaven LLC – Notification of Withdrawal

Ms. Smith was scheduled to continue from the November 10th meeting; advised of the Applicant's notice to withdraw the application as they no longer wish to pursue the project. Mr. Kennedy summarized the details of the resolution and what it means to dismiss without prejudice. Mr. Kennedy read the resolution for the record.

2. PR-21-04 Resolution of Dismissal without Prejudice - 196 Monmouth Blvd

RESULT: ADOPTED [9 TO 0]
MOVER: James Whitson, Vice Chairman
SECONDER: Darren Davis, Class IV
AYES: Widdis, Whitson, Cooper, Tvrdik, Foster, Kahle, Kleiberg, Davis, Dailey
ABSENT: Rue
INELIGIBLE: Savarese

Ms. Smith indicated that the Board Rules and Regulations needed to be updated to reflect Board policies including start times which would be addressed at a future meeting.

XI. Old Business:

1. PB2020-18 Beim, Jake

CARRIED from November 10, 2020
 177 Comanche Drive
 Block 40. Lots 21 & 21.01

EXHIBITS:

A-7 Architectural Plans, 2 Sheets, prepared by Anthony Condouris Architects, last revised December 18, 2020.
 A-8 Plot Plan Revised, 4 Sheets, prepared by InSite Engineering, last revised December 11, 2020
 A-9 Maser Consulting Review Letter dated January 12, 2021

Mr. Kennedy reviewed the applications history and eligibility of Board members to participate. Mr. Kennedy also described additional exhibits submitted which were posted to the website and were marked as A-7, A-8, A-9.

Mr. White, Board Engineer/Planner was sworn in.

Mr. Hirsch, Applicant's Attorney, appeared and said they have an updated report based on new submissions. The revised plan now shows a 10' setback adjacent to the paper street and a 15' total of 25' on the opposite side of the property. Other variants that remain

was the maximum permitted height 35', what was proposed was 37.75' and last the average rear setback towards the river requires was 106.5 based on an average of homes by the water. We are proposing 93.75'. There were revisions made on the architectural plans those revisions have been made.

Patrick Ward, Applicant's Engineer was sworn in.

Mr. Ward goes over their updated layout. The footprint of the dwelling and the patio have not changed. They added more detail and clarification of certain things. The big changes are the location of the home mostly from Mohican Avenue. They shifted the home to the North just under 7' to provide a 10' front yard to the Mohican Avenue right away. On the North side they have a 15' setback to the actual structure of the home. We are providing 15' to the North side because we have our generator and AC platform on that side, and we didn't want to encroach into the side yard. There's a series of stairs on the north side of the home that are well within the setback. The patio at the rear of the home is within the setback. The perimeter of that patio at the rear is proposed to be landscape beds so there will be two tiers of landscape beds and then there is the patio that that comes off the rear of the home it's still elevated above grade, but it's up at the living level of the home, not at to the existing ground level which is well within the flood zone there. They added on the North side of home a series of arborvitae to provide a buffer to the neighbor to the North. Mr. White in recent review letter requested not to have one species of trees to add a variety which they have done. They also adjusted some of the grades of the house by shifting the house to the North it allowed re grading of the driveway the driveway way is now 10' off Mohican Avenue. Mr. White suggested two discharge points down the north and south side of the home through the face of the bulkhead. We will oblige that and change the plans as a condition of approval. They're still requesting approval of building height at 37.75. The Board had requested verification about the ability for a car in the driveway. Not to have to back out to turn around. From the face of the garage door, we put a dimension of 20' trying to keep a reasonable distance from Mohican.

Chairman Widdis asked Board Engineer, Mr. White if he had any questions pertaining to the application.

Mr. White had a question about item number one regarding the grading along the Northern property line that concerns him. It made it a flat area or pinning area and that the drainage on the Northern side may have to be extended to pick this low point up. Mr. white also stated that he asked for a note to be placed in the plan that at the time of final grading that he'd be contacted so he can take a field visit and make sure that we don't need to extend that system.

Chairman Widdis asked for questions from the Board members.

Mr. Kleiberg asked what they plan on putting on the South side as far as planning goes now that they have a wider width? Mr. Ward said nothing is proposed at this time.

PUBLIC: Chairman Widdis opened the meeting to questions from the public for this witness only.

Celia Tannenbaum, 174 Comanche Drive, was sworn in and asked if there's any opportunity, when the house is being built and the grading is being done would they be able to do any grading improvement on the paper streets that way we don't have, a pond or puddle which happens all the time there?

Mr. Ward said they're making every attempt to improve the drainage and run off that comes from the house, but they cannot fix the street as its not their property.

As there was no one else from the public, Chairman Widdis closed that portion of the meeting.

Anthony Condouris, Applicant's Architect, was sworn in, and referring to Exhibit A-7, described the changes they made since the last meeting. On the 1st floor plan, he showed the pergola, the dimensions of the overhang which is a balcony for the 2nd floor, dimensioned the patio and the landscape terraces. They added windows where they weren't corresponding with the elevation. Took the staircase and had it run straight down rather than having a turn on it. That helped improve the setback on the North side. On the 2nd floor plans they provided more dimensions for the balcony. On the 3rd floor is more detailed about ceiling heights and sizes. They put in a note saying they will have a minimum of R38 insulation in the rafters which was requested by a board member. The square footage chart has been updated to reflect the correct square footages.

Chairman Widdis asked if any board members had any questions for Mr. Condouris at this time.

Mrs. Cooper asked if there is a rear elevation of the home? Mr. Condouris referred to page V2 of the plans to show elevation.

Mr. Foster asked what will the back of the garage look like to the property of the North? Mr. Condouris said it has three dormers and three windows. Mr. Foster asked about where the generator is being placed? Mr. Condouris said they will meet the minimums.

Chairman Widdis asked that all lighting face down.

PUBLIC: Chairman Widdis opened the hearing to questions from the public of this witness. As there was no one from the public, Chairman Widdis closed that portion of the meeting.

PUBLIC: Chairman Widdis opened the hearing to comments from the public on the application. Ms. Smith said there were several emails from the public saying they were opposed to the application because they still believed it proposed a shorter setback than zoning permits. She provided the emails to the Board Attorney Mr. Kennedy.

Mr. Kennedy read the emails pertaining to the application.

As there was no one else from the public, Chairman Widdis closed that portion of the meeting.

Chairman asked if the Board had any comments.

Mr. Davis said the applicant has done everything possible to work with the requests and concerns of the Board. He suggests the Board votes to approve application.

Chairman Widdis asked for a motion.

Mr. Davis made a motion to approve the application subject to onsite inspection for the drainage issue of the North side of the home, the agreement to channel the drainage on both sides of the property to the river and request for down lighting on both sides of the property which was seconded by Mr. Whitson. Mr. Whitson commented that the entire process resulted in a better product as the Applicant listened to the Board's constructive suggestions.

Ms. Smith asked before the Board votes there is one more person from the public with a raised hand.

Alan Dalsass, 160 Comanche was sworn in. Mr. Dalsass expressed concern for the application but welcomed them to the neighborhood.

Ms. Smith confirmed that Board members Savarese and Dailey were not eligible to vote on the application.

Motion to Approve Application as Amended with Conditions

RESULT:	ADOPTED AS AMENDED [8 TO 0]
MOVER:	Darren Davis, Class IV
SECONDER:	James Whitson, Vice Chairman
AYES:	Widdis, Whitson, Cooper, Tvrdik, Foster, Kahle, Kleiberg, Davis
ABSENT:	Rue
INELIGIBLE:	Savarese, Dailey

2. PB2020-21 Somerset Development

CARRIED from December 22, 2020

Fort Monmouth Lodging Parcel

Signal Avenue

Block 110, P/O Lot 1

EXHIBITS:

- A-11 Photo/Rendering of the Applicant's Westmont Home, 2 Sheets
- A-12 Elevation/conceptual architectural rendering , prepared by Graviano, dated 12-2-20 (this exhibit is slightly different from what was prev. submitted)
- A-13 HVAC Plan with Unit Example of Location
- A-14 Photographs of Siding Treatment Products, 3 Sheets, January 12, 2021, prepared by Ken Gold of Somerset Development
- A-15 Applicant Exhibit "E" - Existing Aerial, 1 Sheet; Exhibit "F" - Proposed Aerial, 1 Sheet; Exhibit "G" - Rendered Landscape Exhibit, 1 Sheet; prepared by Dewberry Associates

B-3 Fire Official Memo dated January 9, 2021

William White, Board Engineer was sworn in.

Mr. Bruno, Applicant's Attorney, said they were back tonight to address Boards issues and concerns from the last meeting. The following persons were sworn in: Mr. Panke, Traffic; Mr. Graviano, Architect; Mr. Ianelli, Engineer; Mr. Zucker, Applicant were sworn in.

Mr. Kennedy described and marked Exhibits A-11 through A-13.

Mr. Bruno provided an overview of the testimony presented last meeting and described the testimony to be made.

Mr. Graviano described revisions to the plans including the garage is unencumbered. All units added balconies that will be accessed from the dining room area on the second floor. On the 20' unit will have a balcony 20' long by 6' wide with enough room for a

barbeque grill. The air condition units will be either mounted on top of the balcony or underneath. The 24' units will also have a 20' balcony and they're 8' deep because the ability to provide posts that are in four-foot islands between the driveway space. These units will have ground mounted AC units for all the 24 units. The 20' wide units on the ends will have AC units mounted on the garage. All units no matter the size will have a two-car garage with a 16' door. The units will also have 20' by 18' two car parking on each unit. They were able to bring all venting for the units to the rear of unit.

Mr. Bruno asked the Board if they had any questions for this witness.

Mr. Kahle asked if there is a fire code for having a grill with in 6' of a dwelling on a deck? Mr. Graviano said the grills would be limited to electric grills. Residents would not be able to have a propane or charcoal grill.

Mr. Whitson asked if the AC units were going on the balcony and how much they weigh? Mr. Graviano showed the unit and said they were designed for this use.

PUBLIC: Chairman Widdis opened the hearing to questions from the public of this witness.

Jordan Rizzo, 6 Carty Avenue, was sworn in. He asked if there were basements in the units. Mr. Graviano told Mr. Rizzo there will be no basements in any of the units.

As there were no more questions from the public, Chairman Widdis closed that portion of the meeting.

Mr. Zucker explained about the siding and product that they've selected for the materials and the trim and maintenance which was selected in mind of the coastal environment. They will use a high quality, well recognized, weather resistant vinyl and trim.

Mr. Zucker described an exhibit detailing the siding which was marked as **Exhibit A-14**. Referring to A-14, Mr. Zucker pointed out the product details of the vinyl and trim to be used and how in his opinion it displays an appearance like that of hardy board or cement board.

Mr. Bruno took questions from the board for this witness.

Mr. Daley asked if all the units are going to be wrapped in a double four monogram vinyl siding?

Mr. Bruno told Mr. Dailey that not all the units look alike. There are variable kinds of applications. There will be a combination of various materials being used throughout the community. There are 30 different buildings in the community each one of them is differentiated by some sort of design element or material texture. It is high quality and they would commit to the Monogram brand.

Chairman Widdis invited questions from the Board.

Mr. Dailey asked questions about materials to be used and if all units would be wrapped in double vinyl siding and was told, no, some have stone applications and provides different areas with different materials throughout the development and will vary. Mr. Graziano provided a description of the materials to be used including brick, brick dominated, siding, and the different building types are differentiated by a different material.

Mr. Davis commented his appreciation that they would be using a higher quality siding and hardy board material but if they intend for the units to be higher-end he would rather see a hardy board product instead of vinyl siding.

Mr. Foster asked if there was a way to make them less "cookie-cutter". Mr. Zucker responded that was the reason for variety of materials and different building types

PUBLIC: Chairman Widdis opened the hearing to questions from the public of this witness. Ms. Smith provided the participation details. As no one from the public wished to be heard, Chairman Widdis closed that portion of the meeting.

Mario Iannelli, Applicant's Engineer, was sworn in and presented his qualifications and was accepted as an expert in the field of engineering. Mr. Iannelli provided testimony concerning the Site Plan, described the proposed development, the existing conditions, ranges of site elevations, flood hazard area details that impact about 100' into site from the creek, site drains in a northerly direction, existing outfalls described, described the ingress and egress streets in the area.

Mr. Iannelli next described additional exhibit pages which were marked as **Exhibit A-15**.

Mr. Iannelli continued with testimony regarding the existing buildings to remain with garage areas in the rear, with Building 270 being converted to (13) two-bedroom units and (7) 1-bedroom units for a total of 20 and building 271 being converted into (16) 1-bedroom units. Referring to the Landscape Plan in Exhibit A-15, described a loop road off of Signal Ave and another road that would link to that road; there are no proposed changes to Signal Ave, described parking for the two existing converted buildings; discussed the considerations taken when designing the site – increased parking in the area of Bennet and Signal Avenues; in response to last hearing considered areas to increase parking as well as identified other public parking areas; additional spaces added to Carty Ave (2), Signal (4) and Road A (2) so there are now 15 spaces for that area for guest parking in response to the concerns expressed last meeting. He described the parking for the individual units with the ability to fit 4 but for practical purposes was 3.5; there will be 78 on-street parking spaces to spread out and not concentrated in one area; additional revisions made to allow for the 10% requirement for interior landscaping. Also changed so that spaces were 23' long. In summary, they are providing 661 spaces based on RSIS where 414 were required.

Mr. Iannelli next provided testimony concerning circulation with roadways designed for a 30' width which complies with RSIS. There is no deviation from the width of the road. The only deviations that are associated with some of the roadway designs with RSIS are

radius around the 90-degree bends. The radius was designed with stripped areas for non-parking to allow larger vehicles to work around those radiuses. The streets are not narrow from a width perspective they meet RSIS. They provided exhibits to show the ability for the garbage truck to get back behind the alleys. They provided an exhibit for a WD 40 large tractor trailer to negotiate road A road B in the main network of roads. They provided a fire access circulation plan.

Mr. Ianelli brought up exhibit A-2 to go over stormwater and drainage. The sight drains from Signal Avenue towards Parkers Creek. They designed a system to accommodate the 25-year storm. The system is designed with 4 water quality units that will provide water quality before discharging into Parkers Creek.

Mr. Ianelli explained the lighting and landscape plans for the area. There are 116 poles, the poles are 14' tall a globe type fixture. The architects tried to create a street scape with the lighting. The goal of the landscape was to create the street scape effect as well. There will be street trees, some open green areas, benches along the creek area. On the North side of Signal there will 100 shade trees, 30 Evergreens and 60 Ornamental trees. On the Southern side of Signal there is 40 Shade trees, 13 ornamental trees and both sides will have foundation planting that will be detailed along each of the buildings.

Mr. Ianelli next addressed the Board Engineer's letter dated December 11, 2020. Items number 2 and 4 and the design waiver Section B, for where the 10% landscaping is required in the parking and the 23 feet long spaces versus 22 on the parallel. Waivers are not needed. They also agreed to raise the buildings along the stream to finished floor elevation 10.4 at the northeast corner. The building to the left must be raised 1/10 of a foot and the others must be raised 4/10 of a foot.

Mr. Ianelli referring to Exhibit A-4, reviewed the plan to subdivide the parcel into 3 lots, subject to the Tax Assessor, provided lot descriptions and dimensions, reviewed the need for separate lots for the senior units to comply with the housing law, maximum coverage variance resulting from the subdivision of those 2 other lots otherwise they are below the permitted overall.

Chairman Widdis asked for confirmation that all the proposed roads will be private and maintained by the homeowner's association which Mr. Bruno responded, yes, that's correct, but to be clear pointed out that the roadways that are outside of their lots are not private, such as a portion of Carty Ave.

Chairman Widdis invited questions from Mr. White and the Board for this witness.

Mr. White questioned Mr. Bruno regarding the agreement with FMERA that gives them the right to take back the roads and dedicate them to the Borough as it is unclear which roads will be dedicated. Mr. Bruno responded that it was their understanding was that the Borough did not want the roads but they are open-minded to dedicating the roads. Mr. White asked pointedly if their agreement with FMERA contains a clause to take back the roads. Mr. Bruno answered he was not aware of that clause. There is an agreement that there could be access conversations to be sure that all properties have access rights/easements.

Mr. White clarified that the application would not be creating the subdivision but would already be created through the purchase from FMERA and are only their for site plan approval which Mr. Bruno confirmed was correct.

Mr. White spoke about the expressed concern in the central grass area with the north-south orientation between the units and the light poles and lighting intrusion as they are very close to the units. Mr. Ianelli responded that he reviewed that with the owner, and the idea was to create a streetscape and was a common feature along brownstone type developments. They are willing to relocate them between units if that would minimize the effect. Mr. White answered yes, that would be helpful as the Borough receives complaints about the lighting.

Chairman Widdis asked Mr. White about the design waivers. Mr. White spoke to the waivers needed, most minor in nature. His recommendations were to waive the one for the foot candle at the property line as it was minor in nature and waive the requirement for indoor bike racks as last meeting there was testimony that they would provide bicycle storage and racks outside.

Chairman Widdis asked the walkway along Parker's Creek would be open to the public and was told yes. He asked how is the parking for that access being handled. Mr. Ianelli advised that as part of their CAFRA permit they had to allocate 4 spaces as part of the café project. In addition there are parallel parking spaces throughout the road system of the development.

Mr. Foster asked about the wet gardens by the river walk, they are raingardens and was told yes, they would have plantings as shown on the plan details. It was designed to aid with flood situations. Mr. Foster asked if they could put more in and was told they could, but they do also want to keep open lawn areas. They will investigate where additional plants could be placed.

Mr. Savarese asked if the white triangles were benches and was told yes. He asked about the coordinating of the walkway with adjacent developers. Councilman Tvrdik responded that he had reached out, the developer for Allison Hall will be working with Somerset to develop 12' of walkway that will connect with the riverwalk that goes behind RPM – different materials used which Mr. Bruno confirmed they have discussed to keep it consistent.

Mr. Savarese asked if the light fixtures being used would match other developers and was told yes, they want it to be consistent too.

Mr. Davis was satisfied that concerns had been addressed for parking, open areas, fencing and thanked them for a good presentation. Mr. Davis asked if the question concerning the staggering with the elevation of the power to the building had been addressed and was told yes.

Mr. Whitson complimented them for the dramatic improvements including the balconies, walkway and fence along Parker's Creek and parking but asked where will they put the snow in the event of heavy snowfall. Mr. Ianelli responded that there are common areas along the roadways, between buildings and near the creek and behind driveway C and would be scattered around, not in one area.

Mr. Dailey commented that the garage floor elevation looked addressed, Mr. Ianelli responded that it was the finished floors that would be raised to 10.4, not the garage levels which would be constructed with waterproof construction and were 1' above BFE.

Chairman Widdis asked if that included bedrooms on the first floor and was told all living areas would be at the 10.4.

Mr. Dailey asked if garbage would be private. Mr. Ianelli spoke with DPW and then the Borough's contractor and confirmed that they use 30' trucks (Roselle/Suburban" which can access all the roads and driveway lanes. Mr. Dailey expressed concern for when other vehicles park in those driveways would make it difficult for truck to move through and around. Mr. Ianelli added that they designed it per RSIS and based it on 30' vehicle works which he did confirm prior to the hearing.

Mr. Kleiberg asked again – would the Borough be picking up the garbage or would it be private. Mr. Ianelli responded that it was designed for public pick up.

Chairman Widdis asked Ms. Lelie if she was ok with the parking for the housing units but she deferred to Mr. White. As far as affordable housing, one building would be age-restricted and it appeared that the parking was close by.

PUBLIC: Chairman Widdis opened the hearing to questions from the public of this witness. Ms. Smith provided the participation details.

Liz Rizzolo, 5 Russel Ave, was sworn in and asked if the affordable buildings would have their own dumpsters or garbage cans. Mr. Ianelli advised that the buildings would have an interior trash room which would be put out on collections days. Ms. Rizzolo asked to repeat the total number of parking spaces. Mr. Ianelli reiterated the RSIS parking calculations and how they were met by the plan. She expressed concern that garages were small and people would not use them and the lack of storage areas and living on the next street over there is a parking issue. She asked how many spaces were public and was told there were no restrictions for the on-street parking spaces.

Lauren Baxter, 13 Russel Ave, was sworn in and asked questions about parking and street access; the parking behind the low-income housing, there are trees behind the affordable buildings and would they stay (some trees will come down to construct the parking lot and adding trees); dog walking, the width of alleys behind the units (20' wide).

Jordan Rizzo, 6 Carty Ave, previously sworn, expressed concern that the discussion on these important issues was being held at 11:00pm and hopes the concerns were being heard and asked if the next hearing could permit questions from the public on the topic. Mr. Bruno confirmed that they would bring the engineer and traffic engineer to the next meeting. Mr. Rizzo asked questions about parking availability especially near Carty Ave where he is. Mr. Bruno responded that they head his comment at the last meeting and RPM as well as FMERA would disagree and that ample parking was provided and they made every effort to add parking where possible. Discussion continued on the topic at length including how visitor parking would be addressed – they have put 15 spaces within reasonable distance to accommodate and exceed to the best ability they could.

As no one else from the public wished to be heard, Chairman Widdis closed that portion of the meeting.

Due to the late hour, the Applicant requested to be carried to the first available meeting. After discussion on the date certain, the application was carried to the January 26, 2021 Meeting with no additional notice required.

XII. Petitions from the Public: Chairman Widdis opened the meeting to Petitions from the Public. Ms. Smith provided the participation details.

Mary Jo Balve, 2 Carty Ave, thanked them for the excellent presentation and asked how the construction would come through Oceanport Avenue if they could respond before the next meeting. Would it come through Barton. Mr. Ianelli deferred to the traffic engineer at the next meeting. Mr. Kennedy added that because the matter had been closed it was best to wait to the next meeting for further discussion on the topic.

As no one else from the public wished to be heard, Chairman Widdis closed that portion of the meeting.

XIII. Adjournment: As there was no further business, the meeting was adjourned at 11:20 pm on a motion by Councilman Tvrdik which was seconded by Mr. Davis and approved by the Board.

Respectfully submitted,

Jeanne Smith
Board Secretary

**BOROUGH OF OCEANPORT****PLANNING/ZONING BOARD****MINUTES • DECEMBER 14, 2021****Regular****Clement V. Sommers Municipal Building****7:00 PM****910 Oceanport Way, Oceanport, NJ 07757**

- I. **Call to Order:** Chairman Widdis called the meeting to order at 7 PM
- II. **Board Policy:** Chairman Widdis advised the public of the below Board policies: - It is Board Policy that no application will be opened after 10:00 P.M. - No new testimony will be taken after 10:30 P.M., except at the discretion of the Board.
- III. **Open Public Meetings Statement:** This meeting complies with the Open Public Meetings Act by adequate and electronic notification on June 29, 2021 of this meeting and its location, date and time to the Asbury Park Press and Two River Times and by the posting of same on the municipal bulletin board and Borough's Web Site.
- IV. **Flag Salute:** Chairman Widdis led attendees and members of the Board in the flag salute.
- V. **Roll Call:**

Attendee Name	Title	Status	Arrived
Christopher Widdis	Chairman	Present	
James Whitson	Vice Chairman	Present	
Patty Cooper	Mayor's Designee	Present	
Thomas Tvrdik	Class III	Absent	
Joseph Foster	Environmental Committee Liaison	Present	
John (Jack) Kahle	Class IV	Present	
Michael Savarese	Class IV	Absent	
Robert Kleiberg	Class IV	Present	
Darren Davis	Class IV	Present	
Michael Dailey	Alternate I	Present	
Jeanne Smith	Board Secretary	Present	
Kevin Kennedy	Board Attorney	Present	
William White	Board Engineer/Planner	Present	

VI. Board Business:

1. Notice - West Long Branch Zoning Board Hearing on Block 136, Lot 54 – Ms. Smith brought to the Board's attention the notice for a parcel along Eatontown Blvd. near the cemetery and advised of the West Long Branch hearing date for those interested in attending.
2. Report of Pending Applications - Ms. Smith advised that the 2022 Reorganization Meeting would be scheduled for January 11, 2022 with applications for 75 Comanche Dr, 523 Port Au Peck Ave, 49 Sagamore to be scheduled.
3. PB2021-16 Barker's Circle – Ms. Smith advised that this application had been carried from the November 16, 2021 meeting as the Board's dates for 2022 had not yet been set. Dates were discussed with the Board and at the Applicant's request in order for sufficient time for new members to familiarize themselves with the application, was carried to January 25, 2022 with no additional notice required.

Motion to Carry to January 25, 2022

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	John (Jack) Kahle, Class IV
SECONDER:	Joseph Foster, Environmental Committee Liaison
AYES:	Widdis, Whitson, Cooper, Foster, Kahle, Kleiberg, Davis, Dailey
ABSENT:	Tvrdik, Savarese

VII. Approval of Minutes:

1. Planning/Zoning Board - Regular - Nov 24, 2020 7:30 PM

RESULT: ACCEPTED [UNANIMOUS]
MOVER: James Whitson, Vice Chairman
SECONDER: Robert Kleiberg, Class IV
AYES: Widdis, Whitson, Cooper, Foster, Kahle, Kleiberg, Davis, Dailey
ABSENT: Tvrdik, Savarese

2. Planning/Zoning Board - Reorganization - Jan 12, 2021 7:00 PM - This set of minutes was rescheduled for the January 11, 2022 agenda.
3. Planning/Zoning Board - Regular - Jan 26, 2021 7:00 PM

RESULT: ACCEPTED [UNANIMOUS]
MOVER: James Whitson, Vice Chairman
SECONDER: Patty Cooper, Mayor's Designee
AYES: Widdis, Whitson, Cooper, Foster, Kahle, Kleiberg, Davis, Dailey
ABSENT: Tvrdik, Savarese

4. Planning/Zoning Board - Regular - Nov 9, 2021 7:00 PM

RESULT: ACCEPTED [UNANIMOUS]
MOVER: James Whitson, Vice Chairman
SECONDER: Robert Kleiberg, Class IV
AYES: Widdis, Whitson, Cooper, Foster, Kahle, Kleiberg, Davis, Dailey
ABSENT: Tvrdik, Savarese

VIII. Old Business:

1. PB2020-21 Somerset Lodging Parcel - Approval of Street Names
 Motion to Accept Street Names - Driftwood Circle & Sunset Road

RESULT: ADOPTED [UNANIMOUS]
MOVER: Joseph Foster, Environmental Committee Liaison
SECONDER: John (Jack) Kahle, Class IV
AYES: Widdis, Whitson, Cooper, Foster, Kahle, Kleiberg, Davis, Dailey
ABSENT: Tvrdik, Savarese

2. PR-21-33 Resolution of Approval - Oport Partners, Phase II

Mr. Kennedy reviewed the resolution and changes made based on meetings with the Applicant and Borough representatives. There was a lengthy discussion concerning the condition for operating hours, road circulation and

Motion to Return to Jan. 11, 2022 after Attorney and Secretary Review Hearing Minutes Concerning Hours of Operation

RESULT: ADOPTED [UNANIMOUS]
MOVER: James Whitson, Vice Chairman
SECONDER: Robert Kleiberg, Class IV
AYES: Widdis, Whitson, Cooper, Foster, Kahle, Kleiberg, Davis, Dailey
ABSENT: Tvrdik, Savarese

3. PB2021-13 SCHMIDT, WILLIAM W.

CARRIED from Nov. 9, 2021

101 Smith Street

Block 49, Lot 1

Bulk variances for construction of single-family dwelling

EXHIBITS

A-10 Plot/Grading Plan prepared by Charles Surmonte P.E. & P.L.S., last revised December 1, 2021
 A-11 Architectural Plans, 5 Sheets, prepared by William Herchakowski R.A., last revised December 1, 2021
 A-12 Colliers Engineering Review Letter dated December 6, 2021
 A-13 Photographs of Property, 1 Sheet, undated
 A-14 Illustrated Rendering of Proposed House, 7 Sheets, prepared by William Herchakowski, R.A., undated.

Motion to Approve Application as Amended

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	John (Jack) Kahle, Class IV
SECONDER:	Joseph Foster, Environmental Committee Liaison
AYES:	Widdis, Whitson, Cooper, Foster, Kahle, Kleiberg, Davis, Dailey
ABSENT:	Tvrdik, Savarese

IX. New Business:

1. PB2020-05 McGeddy, William

75 Comanche Drive
 Block 5, Lot 5
 Variance for impervious coverage

EXHIBITS:

A-1 Land Development Application
 A-2 Boundary Location Survey with Zoning Data, prepared by American Layout & Land Surveying, last revised December 2, 2019
 A-3 Maser Consulting Review Letter dated March 26, 2020

Motion to Approve

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	John (Jack) Kahle, Class IV
SECONDER:	Joseph Foster, Environmental Committee Liaison
AYES:	Widdis, Whitson, Cooper, Foster, Kahle, Kleiberg, Davis, Dailey
ABSENT:	Tvrdik, Savarese

2. PB2021-11 Richard Veltri

9 Pocano Ave
 Block 39, Lots 6 & 7
 Minor Subdivision with Variances (Lot Line Adjustment)

EXHIBITS

A-1 Land Development Application
 A-2 Location Survey" prepared by Land Control Services, LLC dated March 1, 2016
 A-3 Minor Subdivision (Lot Line Adjustment)," prepared by Land Control Services, LLC., dated April 1, 2021, consisting of one (1) sheet
 A-4 Colliers Engineering Review Letter dated October 11, 2021

Mr. Davis recused himself at 8:08 PM as he lives next door to the Applicant.

Motion to Carry to Feb. 8, 2022 with no additional notice

RESULT:	ADOPTED [7 TO 0]
MOVER:	James Whitson, Vice Chairman
SECONDER:	Robert Kleiberg, Class IV
AYES:	Widdis, Whitson, Cooper, Foster, Kahle, Kleiberg, Dailey
ABSENT:	Tvrdik, Savarese
RECUSED:	Davis

X. Petitions from the Public: Chairman Widdis opened the meeting to Petitions from the Public. As no one else from the public wished to be heard, Chairman Widdis closed that portion of the meeting.

XI. Adjournment: As there was no further business, the meeting was adjourned at 8:55 pm on a motion by Mr. Kleiberg which was seconded by Mr. Kahle and approved by the Board.

Respectfully submitted,

Jeanne Smith
Board Secretary



Planning/Zoning Combined Board

PO Box 370
Oceanport, NJ 07757

SCHEDULED

PLANNING BOARD APPLICATION (ID # 2174)

12.1

Meeting: 01/11/22 07:00 PM
Department: Planning/Zoning Board
Category: PB Applications
Prepared By: Kelle Burrough
Initiator: Jeanne Smith
Sponsors:
DOC ID: 2174

PB2021-21 Villapiano, Philip & Laura

Block 31, Lot 10

523 Port Au Peck

Bulk Variance- Proposed impervious coverage of 40.4% does not comply with the 37% maximum allowed



Planning/Zoning Combined Board

PO Box 370
Oceanport, NJ 07757

SCHEDULED

RESOLUTION - PB 22-4

13.1

Meeting: 01/11/22 07:00 PM
Department: Planning/Zoning Board
Category: PB Resolutions
Prepared By: Jeanne Smith
Initiator: Jeanne Smith
Sponsors:
DOC ID: 2295

Resolution of Approval - 75 Comanche Dr/McGeddy

RESOLUTION

**BOROUGH OF OCEANPORT PLANNING BOARD
APPROVAL OF THE APPLICATION OF WILLIAM McGEDDY
75 COMANCHE DRIVE, BLOCK 5, LOT 5
APPROVED: DECEMBER 14, 2021
MEMORIALIZED: JANUARY 11, 2022**

INTRODUCTION

WHEREAS, William McGeddy has made Application to the Oceanport Planning Board for the property designated as Block 5, Lot 5, commonly known as 75 Comanche Drive, Oceanport, New Jersey, within the Borough's R-3 Zone, for the following approval: Bulk Variance associated with a request to retroactively legitimize the paving of an existing driveway; and

PUBLIC HEARING

WHEREAS, the Board held a Public Hearing on December 14, 2021, Applicant having filed proper Proof of Service and Publication in accordance with Statutory and Ordinance Requirements; and

EVIDENCE / EXHIBITS

WHEREAS, at the said Hearing, the Board reviewed, considered, and analyzed the following:

- *Oceanport Planning Board Development Application, introduced into Evidence as A-1;*
- *Boundary Location Survey, prepared by American Layout and Land Surveying, last revised December 7, 2019, consisting of 1 sheet, introduced into Evidence as A-2;*
- *Maser Consulting Review Memorandum, dated March 26, 2020, introduced into Evidence as A-3;*
- *Affidavit of Service;*
- *Affidavit of Publication.*

WITNESSES

WHEREAS, sworn testimony in support of the Application was presented by the following:

- William McGeddy, Applicant, appearing Pro Se;

- Michael McGeddy, the Applicant's son;

WHEREAS, William H.R. White, III, P.E., P.P., CME, the Board Engineer, was also sworn with regard to any testimony and information he would provide in connection with the subject Application; and

TESTIMONY AND OTHER EVIDENCE PRESENTED ON BEHALF OF THE APPLICANT

WHEREAS, testimony and other evidence presented by the Applicant and his Representatives revealed the following:

- The Applicant is the owner of the subject property.
- The Applicant has owned the subject property for approximately 40 years.
- There is an existing single-family home at the site.
- The Applicant lives at the site as his primary home.
- There is an existing driveway at the site, which has existed for approximately 45 years.
- Until recently, the driveway was a red-stone driveway.
- Approximately 2 years ago, the Applicant paved the said driveway.
- The paving project did not expand, extend, or otherwise enlarge the driveway area.
- The Applicant did not receive any permits / approvals for the driveway paving project, as he was unaware that such permits / approvals were necessary.
- After the fact, Municipal Officials became aware of the unauthorized paving project.
- Because the driveway pavement project triggered the need for an Impervious Coverage Variance, Town Officials were not able to administratively issue a Zoning Permit for the project.
- Consequently, the Applicant submitted the within Application, in the hope of retroactively receiving Variance Approval for the previously effectuated driveway pavement project.
- The Applicant apologized for the confusion, and indicated that he was unaware that Permits / Variance Approval was required for the project.

VARIANCE

WHEREAS, the Application as submitted, requires approval for the following Variance:

MAXIMUM IMPERVIOUS COVERAGE: Maximum 37% allowed; whereas 43.44% currently exists and is proposed.

PUBLIC COMMENTS

WHEREAS, there were no public comments, questions, or objections associated with the subject Application;

FINDINGS OF FACT

NOW, THEREFORE, BE IT RESOLVED, by the members of the Oceanport Planning Board, after having considered the aforementioned Application, plans, evidence, and testimony, that the Application is hereby **granted / approved with conditions**.

In support of its decision, the Oceanport Planning Board makes the following Findings of Fact and Conclusions of Law:

1. The Oceanport Planning Board has proper jurisdiction to hear the within matter.
2. The subject property is located at 75 Comanche Drive, Oceanport, New Jersey, within the Borough's R-3 Zone.
3. The subject property contains 15,792 SF.
4. The subject property is located on the southwest corner of the intersection of Comanche Drive and Sagamore Avenue.
5. The Applicant previously paved an existing driveway at the site – and the said paving project was completed without Municipal Permits / Approvals.
6. The Applicant is attempting to retroactively legitimize the aforesaid driveway pavement project.
7. Such a proposal requires Bulk Variance Approval.
8. The Oceanport Planning Board is statutorily authorized to grant the requested relief, and therefore, the matter is properly before the said entity.
9. With regard to the Application, and the requested relief, the Board notes the following:

- The Board recognizes that the within Application merely legitimizes the Applicant's recent pavement of the long-existing driveway (which was paved by the Applicant without the Applicant seeking / obtaining necessary Permits / Approvals.
- The Applicant indicated that he was unaware that such Permits / Variances / Approvals were necessary for the pavement project.
- The Applicant apologized for the confusion and is attempting to retroactively legitimize the situation.
- The Board accepts the Applicant's representations – and the Board finds no bad faith on the part of the Applicant, or Agents thereof.
- The Board is aware that the subject driveway has existed at the site for approximately 45 years.
- The Board is aware that the driveway pavement project did not extend, increase, or otherwise enlarge the existing driveway.
- The Board is aware that the approximately 45 year old driveway was previously comprised of red stone materials, which, over the decades, had become fairly tamped down and solid.
- Approval of the within Application will not change the physical appearance of the actual home.
- Approval of the within Application will not change the size / height / orientation / location of the existing home.
- Approval of the within Application does not change the size / length / width of the driveway which has historically existed at the site.
- Approval of the within Application will not change the location of the existing driveway.
- Approval of the within Application will not increase overall parking demands associated with the property.
- Approval of the within Application will not change the overall building coverage at the site.
- Per the Applicant, the subject property is located on a hill and, historically, there have been no flooding issues associated with the site. Consequently, there are no grading / drainage issues associated with the within approval.
- Per the testimony and evidence presented, the driveway pavement project will not cause any adverse flooding / grading / drainage issues.
- Upon questioning from the Board Members, the paved driveway (as currently exists) is the same size / length / width / area of the driveway which has historically existed at the site.

- The Board notes, positively, that there has been no expansion of the driveway (associated with the Applicant's driveway pavement project).
- Approval of the within Application will not change the setbacks of the driveway which has historically existed at the site.
- Approval of the within Application will not change the intensity of the existing and to-be-continued single-family home at the site.
- Approval of the within Application will not change the density of the existing site.
- There were no known public objections associated with the Application.
- Approval of the within Application will not change the existing and to-be-continued single-family use at the site.
- Subject to the conditions contained herein, there are no known adverse impacts associated with the within Approval.
- There are no known quality of life issues (affecting any neighbor) associated with the within approval.
- The Applicant's representatives testified that the nature of the previously existing red-stone driveway caused stones and other materials to be routinely distributed into the yard and street, which was problematic and aggravating. As a result, the Applicant arranged for the driveway to be paved. The Board understands the Applicant's rationale for the driveway pavement project.
- Continued single-family use at the site is consistent with the Borough's Master Plan.
- Continued single-family use at the site is consistent with the character of the neighborhood.
- The paved driveway approved herein will not overpower or overwhelm the site or the neighborhood.
- The to-be-continued location for the Applicant's long-time driveway is logical and practical.
- Subject to the conditions contained herein, the paved driveway approved herein will not have any significant detrimental impact on adjoining property owners.
- Approval of the subject Application will not appreciably intensify the historic single-family use at the Site. Consequently, the Board is of the collective opinion that the requested relief can be granted without impairing the intent or purposes of the Borough Zoning Plan / scheme.
- Subject to the conditions contained herein, approval of the within Application will likely improve the overall appearance and functionality of the driveway.

- Additionally, the architectural / aesthetic benefits associated with the proposal outweigh the detriments associated with the Applicant's inability to comply with all of the specified Bulk Zoning Standards.
- The design of the paved driveway will not be inconsistent with the character of other driveways in the area.
- Sufficiently detailed Plans were submitted (subject to the conditions contained herein).
- Subject to the conditions set forth herein, the benefits associated with approving the within Application outweigh any detriments associated therewith.
- Subject to the conditions contained herein, approval of the within Application will have no known detrimental impact on adjoining property owners and thus, the Application can be granted without causing substantial detriment to the public good.
- Approval of the within Application will promote various purposes of the Municipal Land Use Law; specifically, the same will provide a desirable visual environment through creative development techniques.
- The Application as presented satisfies the statutory requirements of N.J.S.A. 40:55D-70(C) (Bulk Variances).

Based upon the above, and subject to the conditions contained herein, the Board is of the unanimous opinion that the requested relief can be granted without causing substantial detriment to the public good.

CONDITIONS

During the course of the Hearing, the Board has requested, and the Applicant has agreed, to comply with the following conditions:

- a. The Applicant shall comply with all commitments, promises, and representations made at or during the Public Hearing process.
- b. The Applicant shall obtain any applicable permits / approvals as may be required by the Borough of Oceanport - including, but not limited to, the following:
 - Building Permit
 - Plumbing Permit
 - Electric Permit
 - Fire Permit
- c. The Applicant shall comply with the terms and conditions of the Maser Consulting Review Memorandum, dated March 26, 2020 (A-3).

- d. The Applicant shall comply with all Prevailing / applicable FEMA / Flood Regulations.
- e. Unless otherwise waived by the Board Engineer, the Applicant shall submit Grading / Drainage Plans (for the review and approval of the Board Engineer), so as to confirm that the same will have no adverse impact on the site or the surrounding properties
- f. The construction / installation shall be strictly limited to the Plans which are referenced herein, and which are incorporated herein at length. Additionally, the construction shall comply with Prevailing Provisions of the Uniform Construction Code.
- g. The Applicant shall comply with all terms and conditions of the Review Memoranda, if any, issued by the Board Engineer, Borough Engineer, Construction Office, the Municipal Project Assistant, the Department of Public Works, the Bureau of Fire Prevention and Investigation, and/or other agents of the Borough.
- h. The Applicant shall obtain any and all approvals (or Letters of No Interest) from applicable outside agencies - including, but not limited to, the Department of Environmental Protection, the Monmouth County Planning Board, and the Freehold Soil Conservation District. Additionally, to the extent the application materially changes as a result of any of the aforesaid outside approvals, then, in that event, the Applicants shall be required to return to the Board for further review / relief.
- i. The Applicant shall, in conjunction with appropriate Borough Ordinances, pay all appropriate / required fees and taxes.

BE IT FURTHER RESOLVED, that all representations made under oath by the Applicant and/or his agents shall be deemed conditions of the approval granted herein, and any mis-representations or actions by the Applicant contrary to the representations made before the Board shall be deemed a violation of the within approval.

BE IT FURTHER RESOLVED, that the Application is granted only in conjunction with the conditions noted above - and but for the existence of the same, the within Application would not be approved.

BE IT FURTHER RESOLVED, that the granting of the within Application is expressly made subject to and dependent upon the Applicant's compliance with all other appropriate Rules, Regulations, and/or Ordinances of the Borough of Oceanport, County of Monmouth, and State of New Jersey.

BE IT FURTHER RESOLVED, that the action of the Board in approving the within Application shall not relieve the Applicant of responsibility for any damage caused by the subject project, nor does

the Planning Board of the Borough of Oceanport, the Borough of Oceanport, or their agents / representatives accept any responsibility for the structural design of the proposed improvements, or for any damage which may be caused by the development.

SUMMARY OF VARIANCE GRANTED

IMPERVIOUS COVERAGE: Maximum 37% allowed; whereas 43.44% approved.

This resolution memorializes an action taken at the regular meeting of the Oceanport Planning Board held on December 14, 2021 on roll call that evening by the following vote:

Offered by: _____

Seconded by: _____

ROLL CALL	YES	NO	ABSTAIN	ABSENT	INELIGIBLE
Widdis	()	()	()	()	()
Whitson	()	()	()	()	()
Davis	()	()	()	()	()
Tvrdik	()	()	()	()	()
Foster	()	()	()	()	()
Kleiberg	()	()	()	()	()
Kahle	()	()	()	()	()
Savarese	()	()	()	()	()
Cooper	()	()	()	()	()
Dailey (Alt. 1)	()	()	()	()	()

This resolution was offered by _____, seconded by _____, and adopted on roll call by the following vote:

ROLL CALL	YES	NO	ABSTAIN	ABSENT	INELIGIBLE
Whitson	()	()	()	()	()
Kahle	()	()	()	()	()
Cooper	()	()	()	()	()
Foster	()	()	()	()	()
Tvrdik	()	()	()	()	()
Widdis, C.	()	()	()	()	()
Kleiberg	()	()	()	()	()
Davis	()	()	()	()	()
Dailey	()	()	()	()	()
Widdis, L. (Alt #1)	()	()	()	()	()
Savarese (Alt#2)	()	()	()	()	()

I hereby certify that the foregoing Resolution was adopted by the Planning Board of the Borough of Oceanport at its meeting of January ____, 2022.

Jeanne Smith, Secretary



Planning/Zoning Combined Board

PO Box 370
Oceanport, NJ 07757

SCHEDULED

RESOLUTION - PB 22-5

13.2

Meeting: 01/11/22 07:00 PM
Department: Planning/Zoning Board
Category: PB Resolutions
Prepared By: Jeanne Smith
Initiator: Jeanne Smith
Sponsors:
DOC ID: 2297

Resolution of Approval - 101 Smith St/Schmidt

RESOLUTION

BOROUGH OF OCEANPORT PLANNING BOARD APPROVAL OF THE APPLICATION OF WILLIAM SCHMIDT 101 SMITH STREET, BLOCK 49, LOT 1 APPROVED DECEMBER 14, 2021 MEMORIALIZED JANUARY 11, 2022

INTRODUCTION

WHEREAS, William Schmidt has made Application to the Oceanport Planning Board for the property designated as Block 49, Lot 1, commonly known as 101 Smith Street, Oceanport, New Jersey, within the Borough's R-3 Zone, for the following approval: Bulk Variance Relief associated with a request to effectuate the following:

- Demolition of an existing single-family structure;
- Construction of a new single-family home.

PUBLIC HEARINGS

WHEREAS, the Board held Public Hearings on November 9, 2021 and December 14, 2021, Applicant having filed proper Proof of Service and Publication in accordance with Statutory and Ordinance Requirements; and

EVIDENCE / EXHIBITS

WHEREAS, at the said Hearings, the Board reviewed, considered, and analyzed the following:

- *Oceanport Planning Board Development Application, introduced into Evidence as A-1;*
- *Survey of property, prepared by Charles Surmonte, P.E., P.L.S., dated November 30, 2020, introduced into Evidence as A-2;*
- *Plot / Grading Plan, prepared by Charles Surmonte, P.E., P.L.S., last revised July 11, 2021, introduced into Evidence as A-3;*

- *Architectural Plans, prepared by William Herchakowski, R.A., dated December 18, 2019, consisting of 5 sheets, introduced into Evidence as A-4;*
- *Collier's Engineering and Design Review Memorandum, dated September 16, 2021, introduced into Evidence as A-5;*
- *Minor Subdivision Map, prepared by East Coast Engineering, Inc., dated July 15, 2014, introduced into Evidence as A-6 (Note: The said Subdivision Map does not involve the property in question);*
- *Sketch for Quit-Claim Deed, prepared by East Coast Engineering, Inc., dated January 21, 2011, introduced into Evidence as A-7 (Note: The said sketch does not involve the property in questions);*
- *Map of Survey, for Block 49, Lot 2 (i.e. not the subject property), prepared by George W. Henn, Inc., dated, illegible, introduced into Evidence as A-8;*
- *Google Map Aerial Photograph of the subject property, containing 2 sheets, undated, introduced into Evidence as A-9;*
- *Plot / Grading Plan, prepared by Charles Surmonte, P.E., P.L.S., last revised December 1, 2021, consisting of 1 sheet, introduced into Evidence as A-10;*
- *Architectural Plans, prepared by William Herchakowski, R.A., last revised December 1, 2021, consisting of 5 sheets, introduced into Evidence as A-11;*
- *Collier's Engineering and Design Review Memorandum, dated December 6, 2021, introduced into Evidence as A-12;*
- *4 pictures of the subject property, collectively introduced into Evidence as A-13;*
- *Illustrated Rendering of the proposed home, prepared by William Herchakowski, R.A., consisting of 7 sheets, collectively marked into Evidence as A-14;*
- *Affidavit of Service;*
- *Affidavit of Publication.*

WITNESSES

WHEREAS, sworn testimony in support of the Application was presented by the following:

- William Schmidt, Applicant, appearing pro se;
- Charles Surmonte, Engineer / Surveyor;

- William Herchakowski,, Registered Architect;

WHEREAS, William H.R. White, III, P.E., P.P., CME, the Board Engineer, was also sworn with regard to any testimony and information he would provide in connection with the subject Application; and

TESTIMONY AND OTHER EVIDENCE PRESENTED ON BEHALF OF THE APPLICANT

WHEREAS, testimony and other evidence presented by the Applicant and his representatives revealed the following:

- The Applicant is the owner of the subject property.
- The Applicant has owned the subject property for approximately 3 ½ years.
- There is an existing single-family home located at the site.
- The existing home is quite old, and was clearly not built for the needs of a modern family.
- The condition of the existing home is compromised, and the same is not capable of being occupied in accordance with Prevailing Modern Standards.
- The nature / extent of the deficiencies render demolition more appropriate than just mere renovation.
- The Applicant proposes the following:
 - Demolition of an existing single-family structure; and
 - Construction of a new single-family home.
- The proposed home will include the following:

Entry Floor

Garage / Storage Area
Entry Foyer

First Floor

Entry Foyer
Kitchen
Eating Area
Living Room Area

Bathroom
Deck

Second Floor

Master Bedroom
Master Bathroom
Deck
Bedroom #2
Bedroom #3
Bathroom

- The new single-family home will contain approximately 2,559 SF.
- The proposed materials for the new home include horizontal siding and / or hardy-board siding.
- The proposed new home will have a conforming height of approximately 34.85 ft., as measured from the crown of the road at Smith Street.
- The ground level garage will be a 2-car garage.
- When the construction is completed, the Applicant anticipates occupying the home, as his full-time residence.
- The Applicant anticipates having the demolition and construction completed in the near future.
- The Applicant will be utilizing licensed contractors in connection with the demolition / construction process.

VARIANCES

WHEREAS, the Application as amended requires approval for the following Variances:

LOT AREA: 12,000 SF required; whereas 9,750 SF exists, which is an existing condition;

LOT WIDTH: 120 ft. required; whereas 92.9 ft. exists, which is an existing condition;

MINIMUM FRONT YARD SETBACK: 30 ft. required; whereas 21.2 ft. proposed;

AVERAGE FRONT YARD SETBACK: 30.5 ft. required; whereas 21.2 ft. proposed;

PUBLIC COMMENTS

WHEREAS, sworn public comments, questions, and / or concerns regarding the Application were presented by the following individuals:

- Joseph Keller

FINDINGS OF FACT

NOW, THEREFORE, BE IT RESOLVED, by the members of the Oceanport Planning Board, after having considered the aforementioned amended Application, plans, evidence, and testimony, that the Application is hereby **granted / approved with conditions**.

In support of its decision, the Oceanport Planning Board makes the following Findings of Fact and Conclusions of Law:

1. The Oceanport Planning Board has proper jurisdiction to hear the within matter.
2. The subject property is located at 101 Smith Street, Oceanport, New Jersey, within the Borough's R-3 Zone.
3. The site contains an existing single-family dwelling, which is a permitted use in the zone.
4. The Applicant proposes the following:
 - Demolition of the existing single-family structure; and
 - Construction of a new single-family home.
5. Such a proposal requires Bulk Variance Approval.
6. The Oceanport Planning Board is statutorily authorized to grant the requested relief and therefore, the matter is properly before the said entity.
7. With regard to the Application, and the requested relief, the Board notes the following:
 - The Application as initially submitted was problematic in the opinion of several Board Members.

- The Applicant initially proposed a Front Setback of only 15.3 ft.
- Some Board Members were concerned that such a 15.3 ft. Front Setback was dramatically inconsistent with other Front Setbacks in the area.
- Some Board Members were concerned that a Front Setback of only 15.3 ft. violated traditional notions of air, space, and light.
- Some Board Members were concerned that a Front Setback of only 15.3 ft. would, in fact, overwhelm / burden the site.
- Some Board Members were concerned that a Front Setback of only 15.3 ft. compromised the overall street-scape.
- Some Board Members were concerned that a Front Setback of only 15.3 ft. would not be consistent with the average Front Setbacks of other homes in the immediate area.
- Some Board Members did not believe that the appropriate / requisite Legal Standards were satisfied in connection with a Variance for a Front Yard Setback of only 15.3 ft.
- Some Board Members were of the belief that 15.3 ft. Front Setback compromised the overall aesthetic appeal of the property / home.
- Some Board Members were of the opinion that the proposed entry foyer and / or proposed porch were just too large for the undersized lot area, thereby necessitating a non-conforming Front Setback of only 15.3 ft.
- As a result of the above, Board Members were not inclined to approve the initially submitted Application.
- Consequently, the Public Hearing was adjourned so that the Applicant and his representatives could consider potential Plan revisions.
- Plan revisions were effectuated, and the revised Plans (A-10 and A-11) were critically reviewed at the continued Public Hearing of December 14, 2021.
- The Applicant's proposed amendments included the following:
 - a. The Front Setback was increased from a non-conforming 15.3 ft. to a non-conforming 21.2 ft.;
 - b. The size of the vestibule was reduced from approximately 12 ft. to 8.4 ft.; and
 - c. The size of the front porch was reduced from 8 ft. to 6 ft.
- The Board Members were satisfied with the aforesaid amendments.

- The aforesaid amendments resulted in a more zoning-compliant Application.
- The aforesaid amendments minimized the nature / extent of the requested Front Yard Setback relief.
- The aforesaid amendments allowed the existing street-scape to be maintained and / or improved at the site.
- The aforesaid amendments improved the overall aesthetic appeal of the property / home / proposal.
- The aforesaid amendments resulted in a home which has a Front Setback which is much more consistent with other homes in the immediate neighborhood.
- The aforesaid amendments resulted in a proposal which more completely satisfied traditional Zoning notions of air, space, and light.
- The aforesaid amendments minimized any adverse components associated with the subject project.
- The aforesaid amendments represented a significant improvement from the initially submitted Application.
- The aforesaid amendments significantly improved the overall acceptability of the proposal.
- The Board Members appreciate the Applicant's efforts in effectuating the aforesaid amendments.
- The Board Members are aware that there is an existing single-family home at the site.
- The Board Members are furthermore aware that the new single-family home approved herein is actually approximately 150 SF smaller than the existing home.
- The Board is aware that the new home approved herein will be no closer to the river than the currently existing home.
- The Board is aware that the existing property has a non-conforming Lot Width of only 92.9 ft. (whereas 120 ft. is otherwise required). The Board is aware that the said condition is an existing condition, which is not being exacerbated as a result of the within approval.
- Per the testimony and evidence presented, approval of the within Application will not change the grade or drainage patterns at the site.

- The front porch for the new single-family home proposed herein will help break-up the architectural façade of the new structure, so that the same does not appear to be too overwhelming.
- The Board is aware that Prevailing DEP Regulations prevent the home from being physically located any closer to the River than the currently existing home. As such, the Board Members recognize that there are not a lot of options / design alternatives for the proposed home (beyond the amended Application submitted / approved herein).
- Per the testimony and evidence presented, the new home cannot be located any closer to the River (from what currently exists) – and the Board recognizes that, in many respects, the said factor helps justify the Front Yard Setback relief approved herein.
- The proposed single-family home is a permitted use in the Zone.
- Additionally, notwithstanding the Variance relief, the Board notes that the location of the proposed home is practical, appropriate, and aesthetically pleasing.
- The Board is aware that approval of the within Application will not be creating a new undersized Lot. Rather, the Board acknowledges that approval of the within Application represents redevelopment of a new single-family home on an existing undersized Lot.
- The home approved herein will have a complying height – as no Height Variance is granted.
- The home approved herein will have a Front Setback which is generally consistent with other homes in the neighborhood.
- Subject to the conditions contained herein, the Front Setback approved herein will have no adverse impact (visual, functional, or otherwise) on the Front Setback of other homes in the immediate area.
- The proposed single-family home will be attractive, aesthetically pleasing, and upscale, in accordance with Prevailing Community Standards.
- The Board notes that, essentially, there were no public objections in connection with the subject Application.
- Approval of the within Application will enhance / improve the quality of life for the Applicant.
- Subject to the conditions contained herein, the construction of the proposed home in the specified location, represents sound planning.
- Approval of the within Application will not materially intensify the existing and to-be-continued single-family nature of the home/site.

- The Board Members are also aware that the new construction approved herein will more easily allow / encourage / facilitate the new home being occupied by owner occupants or long-term Tenants.
- Generally speaking, the Board is aware of the many benefits associated with owner occupied structures or structures occupied by long-term Tenants.
- The Board is aware that the Lot is undersized. That is, a 12,000 SF minimum Lot Area is required; whereas only 9,750 SF exists.
- The undersized nature of the Lot limits realistic development options associated with the development site.
- Per the testimony and evidence presented, the adjacent lands are developed, and not available for acquisition. Thus, the existing lot size is not able to be increased so as to eliminate, or otherwise reduce, the existing lot area deficiency.
- The undersized nature of the Lot limits the size / scope / location of any home which can realistically be constructed at the site.
- The home approved herein represents an appropriate balance between the competing needs / desires to a) construct a modern / functional home and b) comply, or more closely comply, with some of the Prevailing Bulk Requirements.
- The Board is aware that the undersized nature of the Lot is a main driving force behind the Applicants need to obtain Front Setback Variance relief.
- Given the fact that the undersized lot already exists, the subject lot is an appropriate site for a single-family home.
- Per the testimony of the Applicants' representatives, demolition of the existing structure is more appropriate/practical than just mere renovation.
- Per the testimony and evidence presented, the existing home is old, and outdated – and is simply not built / designed to accommodate the needs of a modern family. The home approved herein is, in fact, designed for the needs of a modern family.
- Continued single-family use at the site is consistent with the Borough's Master Plan.
- Continued single-family use at the site is consistent with the character of development in the neighborhood.
- Approval of the within Application will allow a brand new / upgraded structure to be built at the site.

- The new home approved herein will satisfy all prevailing/updated Building Code Regulations, Construction Code Regulations, and Flood regulations.
- The site is undersized (9,750 square feet exists, whereas a minimum of 12,000 square feet is otherwise required in the R-3 Zone) and the size of the said Lot limits the nature / extent / location of any structure which can be functionally / comfortably built at the site.
- The existing Lot is an undersized Lot – and approval of the within Application will not exacerbate the said situation.
- Based upon the circumstances and the testimony presented, the undersized nature of the Applicants' parcel poses a hardship relative to the Applicant's inability to reasonably comply with all of the Prevailing Bulk Standards.
- Given the nature of the undersized parcel and, given the other reasons discussed at the Public Hearing, the Board is of the opinion that the requested relief can be granted without causing substantial detriment to the public good.
- There are essentially no other practical/viable locations (on the site) for the home to be located, but for that which is proposed by the Applicant.
- The new home approved herein will not overpower or overwhelm the site or the neighborhood.
- Per the testimony and evidence presented, other development/expansion options were reviewed and considered, but the same were not practical / feasible.
- Other similar properties in the area have similar non-conforming Front Yard Setbacks as well.
- The amended Plans approved herein are reasonable, given the site constraints, and given the Applicant's need to increase / improve the overall functionality of the home (and associated living space).
- Subject to the conditions contained herein, the new home approved herein will not have any significant detrimental impact on adjoining property owners.
- Approval of the subject Application will not appreciably intensify the historic single-family use at the Site. Consequently, the Board is of the collective opinion that the requested relief can be granted without impairing the intent or purposes of the Borough Zoning Plan / scheme.
- Subject to the conditions contained herein, approval of the within Application will improve the overall appearance of the area.

- Additionally, the architectural/aesthetic benefits associated with the proposal outweigh the detriments associated with the Applicant's inability to comply with all of the specified Bulk Zoning Standards.
- The architectural design of the new home will not be inconsistent with the architectural character of other single-family homes in the area (on similarly sized lots.)
- Sufficiently detailed Plans were submitted.
- Subject to the conditions contained herein, the location of the proposed home will minimize, to the greatest extent possible, any disturbance to the neighboring properties.
- The Board notes that the subject Lot currently is non-conforming in terms of Lot Area and Lot Width. However, the Board notes that the said conditions are existing conditions, which are not being exacerbated as a result of the within approval.
- Subject to the conditions set forth herein, the benefits associated with approving the within Application outweigh any detriments associated therewith.
- Subject to the conditions contained herein, approval of the within Application will have no known detrimental impact on adjoining property owners and thus, the Application can be granted without causing substantial detriment to the public good.
- Approval of the within Application will promote various purposes of the Municipal Land Use Law; specifically, the same will provide a desirable visual environment through creative development techniques.
- The Application as presented satisfied the statutory requirements of N.J.S.A. 40:55D-70(C) (Bulk Variance).

Based upon the above, and subject to the conditions contained herein, the Board is of the unanimous opinion that the requested relief can be granted without causing substantial detriment to the public good.

CONDITIONS

During the course of the Hearing, the Board has requested, and the Applicant has agreed, to comply with the following conditions:

- a. The Applicant shall comply with all commitments, promises, and representations made at or during the Public Hearing process.

- b. The Applicant shall obtain any applicable permits / approvals as may be required by the Borough of Oceanport - including, but not limited to, the following:
 - Building Permit
 - Plumbing Permit
 - Electric Permit
 - Fire Permit
- c. The Applicant shall comply with the terms and conditions of the Colliers Engineering Review Memorandum, dated December 6, 2021 (A-12).
- d. The Applicant shall comply with all Prevailing FEMA / Flood Regulations.
- e. The Applicant shall cause the Plans to be revised so as to portray and confirm the following:
 - The inclusion of a note confirming the correct Lot Width (so as to correct an error on the existing Plans);
 - The inclusion of correct Zoning data;
 - The inclusion of a note confirming that the roof leaders shall be piped to the rear of the property, per the review letter of the Board Engineer;
 - The inclusion of a note confirming the property will drain to the rear of the property (the details of which shall be reviewed and approved by the Board Engineer);
 - The inclusion of a note confirming that decorative / cultured stone shall be placed along the bottom of the Smith Street and Werah Place elevations (so as to improve the overall aesthetic appearance of the home);
 - The inclusion of a note confirming that the Applicant shall vent the foyer independently from the garage, as the common wall must comply with the required fire rating (the details of which shall be reviewed and approved by the Board Engineer); and
 - The inclusion of a note confirming that additional vents shall be installed in the foyer / garage, if deemed necessary by the Board Engineer.
- f. The Applicant shall revise Plans so as to include landscaping details, which shall be reviewed and approved by the Board Engineer.
- g. The Applicant shall prepare a Deed Restriction confirming that the use of the ground floor shall be limited to parking, storage, and building access.

(That is, no part of the ground floor shall be utilized as living / habitable purposes.) The said Deed Restriction, once approved by the Board Attorney, shall be recorded in the Office of the Monmouth County Clerk. Moreover, proof of recording shall be submitted to the Board Secretary.

- h. The Applicant shall obtain any necessary NJDEP Approval.
- i. In conjunction with the within approval, Agents of the Planning Board shall communicate with the Borough of Oceanport so as to ascertain if the Borough of Oceanport would consider prohibiting parking for the portion of Werah Place, from Smith Street east to the River (so as to improve the overall traffic / parking scheme).
- j. Unless otherwise waived by the Board Engineer, the Applicant shall submit Grading / Drainage Plans (for the review and approval of the Board Engineer), so as to confirm that the same will have no adverse impact on the site or the surrounding properties.
- k. The Applicant shall obtain any and all necessary demolition permits as may be required.
- l. The Applicant shall comply with any Prevailing Affordable Housing Rules, Regulations, Contributions / Directives as established by the Borough of Oceanport, the County of Monmouth, the State of New Jersey, C.O.A.H., the Court System, and any other Agency having jurisdiction over the matter.
- m. The construction shall be strictly limited to the Plans which are referenced herein, and which are incorporated herein at length. Additionally, the construction shall comply with Prevailing Provisions of the Uniform Construction Code.
- n. The Applicant shall comply with all terms and conditions of the Review Memoranda, if any, issued by the Board Engineer, Borough Engineer, Construction Office, the Municipal Project Assistant, the Department of Public Works, the Bureau of Fire Prevention and Investigation, and/or other agents of the Borough.
- o. The Applicant shall obtain any and all approvals (or Letters of No Interest) from applicable outside agencies - including, but not limited to, the Department of Environmental Protection, the Monmouth County Planning Board, and the Freehold Soil Conservation District. Additionally, to the extent the application materially changes as a result of any of the aforesaid outside approvals, then, in that event, the Applicant shall be required to return to the Board for further review / relief.
- p. The Applicant shall, in conjunction with appropriate Borough Ordinances, pay all appropriate/required fees and taxes.

BE IT FURTHER RESOLVED, that all representations made under oath by the Applicant and / or his agents shall be deemed conditions of the approval granted herein, and any misrepresentations or actions by the Applicants contrary to the representations made before the Board shall be deemed a violation of the within approval.

BE IT FURTHER RESOLVED, that the Application is granted only in conjunction with the conditions noted above - and but for the existence of the same, the within Application would not be approved.

BE IT FURTHER RESOLVED, that the granting of the within Application is expressly made subject to and dependent upon the Applicant's compliance with all other appropriate Rules, Regulations, and/or Ordinances of the Borough of Oceanport, County of Monmouth, and State of New Jersey.

BE IT FURTHER RESOLVED, that the action of the Board in approving the within Application shall not relieve the Applicant of responsibility for any damage caused by the subject project, nor does the Planning Board of the Borough of Oceanport, the Borough of Oceanport, or their agents / representatives accept any responsibility for the structural design of the proposed improvements, or for any damage which may be caused by the development.

SUMMARY OF GRANTED VARIANCE RELIEF

LOT AREA: 12,000 SF required; whereas 9,750 SF approved.

LOT WIDTH: 120 ft. required; whereas 92.9 ft. approved.

MINIMUM FRONT YARD SETBACK: 24 ft. required; whereas 21.2 approved.

AVERAGE FRONT YARD SETBACK: 30.5 ft. required; whereas 21.2 ft. approved.

This resolution memorializes an action taken at the regular meeting of the Oceanport Planning Board held on December 14, 2021 on roll call that evening by the following vote:

Offered by: _____

Seconded by: _____

ROLL CALL	YES	NO	ABSTAIN	ABSENT	INELIGIBLE
Widdis	()	()	()	()	()
Whitson	()	()	()	()	()
Davis	()	()	()	()	()
Tvrdik	()	()	()	()	()
Foster	()	()	()	()	()
Kleiberg	()	()	()	()	()
Kahle	()	()	()	()	()
Savarese	()	()	()	()	()
Cooper	()	()	()	()	()
Dailey (Alt. 1)	()	()	()	()	()

This resolution was offered by _____, seconded by _____, and adopted on roll call by the following vote:

ROLL CALL	YES	NO	ABSTAIN	ABSENT	INELIGIBLE
Whitson	()	()	()	()	()
Kahle	()	()	()	()	()
Cooper	()	()	()	()	()
Foster	()	()	()	()	()
Tvrdik	()	()	()	()	()
Widdis, C.	()	()	()	()	()
Kleiberg	()	()	()	()	()
Davis	()	()	()	()	()
Dailey	()	()	()	()	()
Widdis, L. (Alt #1)	()	()	()	()	()
Savarese (Alt#2)	()	()	()	()	()

I hereby certify that the foregoing Resolution was adopted by the Planning Board of the Borough of Oceanport at its meeting of January 11, 2022.

Jeanne Smith, Secretary